

**LAHIVE
&
COCKFIELD**
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
MEGAN E. WILLIAMS, Ph.D.

LISA M. DIF
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
VINCENT P. LOCCISANO
MERIDETH C. ARNOLD
DANIELLE L. HERRITT
EUIHOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JONATHAN M. SPARKS, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
JACOB G. WEINTRAUB
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in TX only
** Admitted in CT only

March 13, 2003

Commissioner for Patents
Box AF
Washington, D.C. 20231

RECEIVED
MAR 21 2003
TECH CENTER 1600/2900

Re: U.S. Patent Application Serial No. 09/835,121
Title: *Novel Compositions Derived From Cranberry
and Grapefruit and Therapeutic Uses Therefor*
Filed: April 13, 2001
Inventors: Margaret M. Leahy *et al.*
Our Ref.: OSJ-002

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences (1 page, *in duplicate*); and
2. Return Acknowledgment Postcard

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box AF, Washington, DC 20231 on:

March 13, 2003

Date

Peter W. Dini, Ph.D., Reg. No. 38,872

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Peter W. Dini, Ph.D.

Reg. No. 52,821

for

Jane E. Remillard, Esq.

Reg. No. 38,872

Attorney for Applicants



BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of: Margaret M. Leahy *et al.*

Serial No.: 09/835,121

Filed: April 13, 2001

For: *NOVEL COMPOSITIONS DERIVED FROM
CRANBERRY AND GRAPEFRUIT AND
THERAPEUTIC USES THEREFOR*

Attorney Docket No.: OSJ-002

Group Art Unit: 1654

Examiner: Coe, Susan D.

#12
JQJ
3/27/03
RECEIVED
MAR 21 2003
TECH CENTER 1600/2900

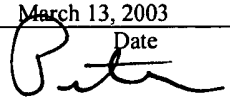
Commissioner for Patents
Box AF
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated December 13, 2002, of the Primary Examiner finally rejecting claims 11, 14 and 21-23.

Please charge the Appeal Fee of \$320.00, based on large entity, to Deposit Account 12-0080 of the undersigned attorney. A duplicate of this sheet is enclosed.

<p><u>Certificate of First Class Mailing (37 CFR 1.8(a))</u></p> <p>I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box AF, Washington, DC 20231 on:</p> <p>March 13, 2003 Date</p> <p> Peter W. Dini, Ph.D., Reg. No. 52,821</p>

Respectfully submitted,



Peter W. Dini, Ph.D.
Reg. No. 52,821 for
Jane E. Remillard
Reg. No. 38,872
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
(617) 227-7400